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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Consideration of reports submitted by States parties under article 9 of the Convention

Combined seventh to ninth periodic reports of States parties due in 2014

Azerbaijan*

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I. General information

1. The Government of the Republic of Azerbaijan ensures the coexistence of Azerbaijanis and national minorities which have contributed to the formation of the Azerbaijani ethno genesis and provides equal rights based on law. Throughout the centuries, Azerbaijanis have lived together with different national minorities in peace and coexistence.

2. As it was noted in the previous report (CERD/C/AZE/6), the ongoing Armenian occupation of Nagorno-Karabakh and seven adjacent regions remain as the main obstacle to full and efficient implementation of this Convention. In this regard, four resolutions of the United Nations Security Council (822, 853, 874 and 884) have not been implemented yet. It is to be noted that the above mentioned resolutions reaffirm the territorial integrity and sovereignty of the Republic of Azerbaijan and demand the withdrawal of the occupying forces from the occupied territories.

3. As a result of the Armenian aggression policy, there are more than a million refugees and internally displaced persons in the Republic of Azerbaijan and this hampers the realization of the rights and main freedoms of these people. Measures are being undertaken constantly by the Government for improving the social welfare of this group of people.

4. The Republic of Azerbaijan acceded to the International Convention on the Elimination of All Forms of Racial Discrimination by its Law 95-IC, dated 31 May 1996.

5. The Committee on the Elimination of Racial Discrimination (hereafter the Committee) considered the combined initial and second periodic reports of the Republic of Azerbaijan CERD/C/350/Add.1) on 18 and 19 August 1999, the combined third and fourth periodic reports (CERD/C/440/Add.1) on 4 and 7 March 2005, and the combined fifth and sixth periodic reports (CERD/C/AZE/6) on 11 and 12 August 2009. The concluding observations on that periodic report (CERD/C/AZE/CO/6) were adopted on 26 August 2009 at the 1968th meeting of the Committee.

6. The present report contains the combined seventh, eighth and ninth periodic reports of the Republic of Azerbaijan and has been elaborated in line with the general guidelines regarding the form and content of report to be submitted by States under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination. This report covers the period following the submission by the Government of Azerbaijan of its fifth and sixth periodic reports (2009-2013). The final review of the Committee was taken into consideration in the preparation of this report.

7. This report has been drafted by the working group established pursuant to the Order of the President of the Republic of Azerbaijan No. 2963, dated 24 June 2013. Eighteen State bodies were represented in this working group. In accordance with paragraph 2 of the aforementioned Order, this report was drafted in cooperation with civil society institutions.

II. Information on articles 2 to 7 of the Convention

8. The aim of the Azerbaijani State is to sustain the environment in which every individual can enjoy the equal rights and bear equal responsibilities regardless of their race, belief, ethnic origin or any other conditions. Furthermore, as it is stated in Article 25 of the Constitution of the Republic of Azerbaijan, the State of Azerbaijan guarantees the equality of rights and main freedoms of everyone regardless of race, nationality, religion, language, sex, origin, financial position, official position, faith or affiliation with any public unions.

9. It is to be noted that since the submission of the joint fifth and sixth periodic reports of the Republic of Azerbaijan, several legislative acts and other measures have been undertaken for further efficient implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and as a result of these measures progress has been achieved.

10. "National Action Program of the Republic of Azerbaijan on increasing the efficiency in the protection of human rights and freedom" has been approved with the Order of the President of the Republic of Azerbaijan dated 27 December 2011. The National Action Program has defined the measures on improvement of normative legal basis and the activity of State bodies and protection of rights of different groups of people, etc. Thus, paragraph 1.1 and 1.2 of the National Action Program must be specially underlined which are essential for more efficient national legislative protection of the rights enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination. The paragraph 1.1 of the Program confirmed that laws of the Republic of Azerbaijan while drafting shall be guided with the main criteria of human rights and freedoms secured in the Constitution of the Republic of Azerbaijan and the international treaties to which Azerbaijan is a party. The paragraph 1.2 of the National Action Program reaffirmed the implementation of the commitments and obligations arising from the international treaties on human rights and freedoms to which the Republic of Azerbaijan is a party and ensuring compliance of regulatory and legal acts of the Republic of Azerbaijan with international legal instruments. Issues related to the realization of the above-mentioned provision have been entrusted to the Cabinet of Ministers of the Republic of Azerbaijan, Administration of the President of the Republic of Azerbaijan, Milli Mejlis of the Republic of Azerbaijan, Ministries of Justice and Foreign Affairs of the Republic of Azerbaijan, Scientific Research Institute for Human Rights of the Azerbaijan National Academy of Sciences.

11. In general, different provisions are enshrined in the National Action Program under such chapters as the protection of different groups of population, the improvement of the activities in the files of protection of human rights of different State organs, the conduct of trainings, scientific-research and enlightenment on human rights, cooperation with international organizations in the field of human rights, coordination, monitoring and assessment of the implementation of National Action Program.

12. One of the important advancements achieved during the reporting period is the broadening of the definition of being subjected to discrimination and Constitutional guarantees of prohibition of discrimination reaffirmed in the Constitution of the country as a result of referendum on amendments to the Constitution held on March 18, 2009.

13. According to Article 18 of the Constitution of the Republic of Azerbaijan, religion shall be separated from the State. All religions shall be equal by law. Religious communities are able to be registered without any discrimination. Registered 705 Islamic and 34 non-Islamic (Christian–24, Jewish–7, Bahai–2, Krishna–1) religious communities exist in Azerbaijan. There are more than 1800 mosques, 5 Orthodox churches, 1 Catholic churches, 1 Lutheran church, 2 Alban-Udi churches, 4 Georgian Orthodox churches, 6 synagogues in Azerbaijan.

14. The information on ethnic composition of the country's population is obtained through the census data. With regard to paragraph 11 of the concluding observations of the Committee on submission of information on the results of the latest census data, it is to be noted that the latest population census was carried out by the State Statistical Committee on April 2009 based on order of the President of the Republic of Azerbaijan dated 7 June 2006. The people involved in population census indicated freely their ethnic origin or language. The State Statistical Committee held trainings on guidance of answers to the questions on the principle of voluntariness. The results of the census of population, held in compliance with the standards and recommendations of the United Nations Economic

Commission for Europe on census reflect the information on ethnic origin and language of the population. Meanwhile, the conduct of the census, covering the ethnic minorities, in line with international standards and the trainings held, had been reflected in the 3rd opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities. Foreigners and stateless persons also participated in the population census.

15. According to the results of 2009 population census, the ethnic composition of the Republic of Azerbaijan is characterized by the indicators set out in table 1.

Table 1
Ethnic composition of the Republic of Azerbaijan in 2009

Ethnic origins	*Thousand persons*	*As % of total*	*Considering own nat.onal language as native language, percent*
Number of population – Total	8922,4	100,0	98,4
of which:			
Azerbaijanis	8172,8	91,6	99,7
Lezghis	180,3	2,0	90,1
Armenians	120,3	1,3	99,9
Russians	119,3	1,3	98,9
Talyshs	112,0	1,3	42,5
Avars	49,8	0,6	93,3
Turks	38,0	0,4	83,7
Tatars	25,9	0,3	93,2
Tats	25,2	0,3	75,4
Ukrainians	21,5	0,3	97,6
Sakhurs	12,3	0,1	95,3
Georgians	9,9	0,1	97,8
Jews	9,1	0,1	93,5
Kurds	6,1	0,1	36,1
Kryzs	4,4	0,04	28,5
Udins	3,8	0,04	99,3
Khynalygs	2,2	0,02	97,4
Other nationalities	9,5	0,1	80,5

Article 2

16. In accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, the Republic of Azerbaijan pursues the relevant public policies to realize the human rights and fundamental freedoms of everyone on an equal basis in the political, economic, social, cultural, public and other fields of life, without permitting any discrimination due to race, color and origins, as well as due to national and ethnic backgrounds.

17. As already mentioned above, according to Article 25 of the Constitution of the Republic of Azerbaijan, the State guarantees equal rights and freedoms for all regardless of race, nationality, religion, background, or any other basis mentioned in this Article. Limitation of human and citizenship rights and freedoms based on race, nationality, religion, language, gender, origin, faith, and political or social reasons is prohibited.

18. In accordance with Article 3 of the Law on Citizenship of the Republic of Azerbaijan, rights, freedoms, and duties of the citizens of the Republic of Azerbaijan are equal regardless of their background, social or property status, race or nationality, gender, education, language, religious views, political and other beliefs, type and nature of occupation, place of residence, duration of residence in that place or any other criteria.

19. The prohibition of restriction of human rights and main freedoms based on racial, national, and religious and any other grounds is stipulated along with the Constitution in the Criminal, Criminal-Procedural, Civil-Procedural, Family, Labor Codes, as well as in other legislative acts.

20. Regarding the recommendation reflected in paragraph 8 of the concluding observations, to "fully implement all anti-discrimination policies that have been adopted, to closely monitor and evaluate progress in implementation of the Convention at national and local levels" it is to be noted that the National Action Program, adopted for the provision of persistence of the measures realized in the field of human rights, defines the courses for more efficient promotion and protection of the rights of different groups of population. The implementation of the National Action Program has been assigned to relevant State organs. According to paragraph 6.1 of the National Action Program to control the implementation of it, the Working Group on coordination of the realization of the National Action Program consisting of the representatives of executive organs, reports to the President of the Republic of Azerbaijan on a regular basis. The Office of the Administration of the President of the Republic of Azerbaijan analyses the information submitted by the Working Group and presents proposals on the improvement of the implementation.

21. Regarding the legislative reforms in the sphere of the fight against corruption, it is to be noted that with the Law on amendments to the Criminal Code of the Republic of Azerbaijan, dated March 24, 2011, the concept of the "official" stipulated in Article 308 of the Criminal Code, has been broadened, the requirement of double criminality for corruption and other crimes against public service committed outside the territory of the Republic of Azerbaijan, as in other crimes has been eliminated.

22. Moreover, after the relevant amendments made in the disposition part of the articles on criminal responsibility for taking bribe, bribery and traffic of influence of the Criminal Code, unlike the previous edition, actions like "Offer or promise, receive an offer or promise" related to bribe have also been criminalized.

23. Regarding the paragraph 8 of the final review on complete implementation of policy on prohibition of discrimination, it should be noted that for the purpose of improving the work of public authorities in accordance with modern standards "the National Strategy for increasing transparency and fight against corruption" had been implemented during the 2007-2011.

24. For the purpose of providing continuity of measures taken in the field of fight against corruption, increasing transparency in the work of public authorities, and managerial organization in accordance with international standards in the Republic of Azerbaijan, the National Action Plans on Open Government and Fight against Corruption (for 2012-2015) were adopted by Presidential Order of 5 September 2012.

25. In realization of National Action Plans on "The promotion of open government" approved with the Order of the President of the Republic of Azerbaijan No. 2421 dated 2 September 2012 and on "Fight against corruption for the years of 2012–2015", during 2013, the governing body of the Ministry for Interior and its structural departments received more than 5000 citizens, including 476 citizens from 64 cities and districts of the country. The Ministry for Interior considered approximately 45000 applications, out of which 11000 were taken under control. All the applications have been comprehensively and

promptly investigated, substantial written responses have been sent to applicants and their rights have been explained.

26. Necessary technical safety measures were taken for protection of operations conducted on the 24 electronic service as well as private information; and "Electronic Payment System" was established for making timely payment for penalties and other payments in the electronic form through the Centralized Information System on Mass Payments of the Central Bank. "Administrative standing orders for receiving applications and documents for recruitment to the internal affairs authorities" were approved and registered by the Ministry of Justice with regard to improvement of mechanisms on recruitment of police employees by competition and based on the principle of transparency.

27. In early 2009, single database was established and started functioning for the purpose of registration of information on crimes of corruption, persons committing them and investigation of this kind of criminal cases and results of court proceedings.

28. To improve the process of consideration of complaints of citizens encountered corruption, as well as to ensure the direct and free of charge appeal, "161" "Hot line" contact centre was established on March 03, 2011 under the Anti-Corruption Department of the Office of the General Prosecutor.

29. According to the Decree of the President of the Republic of Azerbaijan, dated March 11, 2011, the total number of employees of Prosecutor's Office of Anti-Corruption Department under General Prosecutor of the Republic of Azerbaijan was increased up to 60 staff unit, 100 persons, at the same time, many changes have been made in the number of technical employees as well. Amendments were made to the Laws on "Prosecutor's office" and "Operational-research action" by Milli Mejlis of Azerbaijan Republic on March 18, 2011 and Anti-Corruption Department under General Prosecutor of the Republic was assigned with authority for the operational-investigation activity.

30. In 2011 in the frame of the project to facilitate the access of people to the courts, a single Internet portal of the judicial system, which contains information about all the courts and judges, has been launched (www.courts.az). Through the portal it is possible to obtain detailed information about courts, judges, the activity of courts, the cases under consideration, and judgments, documents necessary to appeal etc., receive forms of statements of claim and samples of other court documents, as well as apply online and get an answer. In addition, information source of the cases under consideration and final judicial acts of courts will also be posted on the portal, which is currently under reconstruction.

31. At the same time, in accordance with "the State Program on the Development of Azerbaijani Justice System for the 2009-2013 period" adopted by the 6 February 2009 Presidential Decree, purposeful actions were taken in the fields of modernization of the justice and judicial infrastructures, strengthening of the provision of technical equipment, application of new technologies, facilitation of request filing for citizens, and in other fields. As of now, the Draft State Program for the 2014-2020 is being elaborated.

32. With regard to paragraph 9 of the final review on the reasons of small number of complaints of racial discrimination it should be noted that this should not be seen as or evaluated as lack of effective means of law enforcement resources, lack of awareness of the public about their rights, existence of fear of retaliation, distrust in law enforcement authorities, as well as negligence or insensitive approach of those authorities towards cases of discrimination. On the contrary, this data proves that such cases are not typical for Azerbaijan, which is a tolerant country. Also, it is the result of preventive work and legal awareness raising campaigns. During 6 months of 2009-2013 the Ministry of Justice arranged over 10400 legal awareness raising events, speeches were made on media, articles were published, and various events were attended.

33. As to the court statistics on this field, it should be taken into account that since 2009 to the first 6 months of 2013 no one has been sentenced under Articles 103 (genocide), 105 (destruction of population), 109 (persecution), 111 (racial discrimination (apartheid)), 154 (breach of the right to equality) of the Criminal Code. During this period, only one person was sentenced under Article 283 (incitement to national, racial or religious hostility) of the Code mentioned.

34. Regarding the paragraph 15 of the final review concerning "the allegations of persistent hostile attitudes on the part of general public towards ethnic Armenians living in Azerbaijan" it is to be stressed that the Republic of Azerbaijan provides rights and main freedoms, of all Azerbaijani citizens regardless of ethnic origins, including that of ethnic Armenians who are citizens of the Republic of Azerbaijan, enshrined in the Constitution, other legislative acts, as well as international law norms. The legislation prohibits any distinction or discrimination among the citizens or ethnic minorities living the Republic of Azerbaijan. Regarding the allegations on non-initiation of criminal cases by the law enforcement agencies on alleged hostility cases, it is to be noted that relevant grounds and reasons for the initiation of criminal persecution should exist. According to Article 46.2 of the Criminal Procedural Code of the Republic of Azerbaijan the cause to begin criminal case could be application submitted by an individual, information of legal person (State official) or mass media, or revelation of this information directly by interrogator, investigator or public prosecutor on committed or prepared crime.

35. According to Article 11.2 of Criminal Code of the Republic of Azerbaijan criminal procedural organs do not grant any participant of the criminal process with preferences based on nationality, social, sexual, racial, ethnic, political or religious views, language, origin, property status, service position, faith, place of residence or any illegal grounds.

36. The criminal and criminal procedural legislation of the Republic of Azerbaijan applies equally in the whole territory of the Republic of Azerbaijan and to the citizens of the Republic of Azerbaijan as well as foreigners residing in the territory of the Republic of Azerbaijan and to stateless persons. All the representatives of local ethnic minorities living in the territory of the Republic of Azerbaijan, as well as ethnic Armenians are citizens of the Republic of Azerbaijan and the law prohibits discrimination against or granting any privileges.

37. Regarding the groundless allegations reflected in the relevant paragraph of the final review, it is to be noted that the very allegations prejudice the liberation of territories of the Republic of Azerbaijan occupied by Armenia, as well as the return of refugees and internally displaced persons to their homeland.

38. Regarding the recommendation reflected in paragraph 18 of the final review on "ratifying those international human rights treaties which have not yet been ratified in particular treaties the provision of which have a direct bearing on the subject of racial discrimination", it is to be noted that recently the Republic of Azerbaijan has acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (29 January 2009), the Convention on the Protection and Promotion of the Diversity of Cultural Expressions of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Council of Europe Convention on Action against Trafficking in Human Beings (11 May 2010), International Labour Organization (ILO) Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, 1981 (No. 156) (11 May 2010), ILO Convention concerning the revision of the Maternity Protection Convention (Revised), 1952, 2000 (No. 183) (11 May 2010).

39. The Government of the Republic of Azerbaijan supports the implementation of projects of civil society institutions to combat racial discrimination and strengthen mutual

understanding. Since its fifth and sixth periodic reports, the Government has funded numerous events and projects on protection of rights of refugees, internally displaced persons, persons with disabilities and ethnic minorities, eradication of discrimination against them, enlighten these groups of peoples on their rights. In the very field the Council on State Support to Non-Governmental Organizations under the auspices of the President of the Republic of Azerbaijan provided funds to 15 projects on social problems of refugees-internally displaced persons and disabled people in 2008 and allocated in total 92000 manats to these projects, 16 projects were funded in 2009 and allocated in total 124720 manats to these projects, 31 projects were funded in 2010 and allocated in total 217000 manats to these projects, 28 projects were funded in 2011 and allocated in total 159200 manats to these projects, 24 projects were funded in 2012 and allocated in total 145000 manats to these projects, 54 projects were funded in 2013 and allocated in total 308200 manats to these projects.

Article 3

40. The protection of integrity of the society is one of the main priorities of the State. In this regard, the Government of the Republic of Azerbaijan aims at coexistence of people belonging to different groups without facing any form of discrimination.

41. Articles 109 (Persecution), 111 (Racial discrimination (apartheid), 154 (Violation of the right to equality) and 283 (incitement to ethnic, racial or religious hatred or hostility) of the Criminal Code of the Republic of Azerbaijan envisage criminal responsibility for the violation of rights and interests protected by Law of the person on nationality, race, religion, language, gender, origin, property status, faith, affiliation to political parties, trade unions and other public organizations grounds.

42. Information on Article 111 of the Criminal Code has already been provided in paragraph 40 of the fifth and sixth periodic report of the Republic of Azerbaijan.

43. Moreover the following provision is enshrined in Article 5 of the Law on Police: "The police in fulfilling its duties shall protect the rights and legal interests of all, provided in the Constitution and international agreements to which the Republic of Azerbaijan is a party, against any wrongful acts irrespective of their race, nationality, religion, language, sex, origin, property status, service position, belief as well as affiliation to political parties, trade unions and other public organizations grounds".

Article 4

44. According to the 3rd part of the Article 47 of the Constitution of the Republic of Azerbaijan, promotion or propagating incitement to racial, ethnic, religious, social hatred or hostility is prohibited.

45. Article 283 of the Criminal Code of the Republic of Azerbaijan (national, racial, social or religious hatred or hostility) determines the crimes against State authority. According to the Article, actions leading to incitement to national, racial, social or religious hostility or humiliation of national dignity or restriction of rights or granting privileges to citizens on national, racial, social or religious grounds if committed publicly or by using mass media is punished with the penalty at a rate from one up to two thousand manats, or reclamation for the term up to two years, or imprisonment for the term from two up to four years. The same acts committed by using of force or threatening of using of force, or by person abusing his or her service position, or by organized group are punished by imprisonment for the term from three up to five years.

46. In accordance with the 2nd part of the 3rd paragraph of the Presidential Decree dated 25 August 2000, No. 387, the Ministry of National Security has been assigned with authority to conduct preliminary investigation on Article 283 (ethnic, racial, social or religious hatred and hostility) of Criminal Code of the Republic of Azerbaijan.

47. There had been only one criminal case on Article 283 of the Criminal Code of the Republic of Azerbaijan in the execution of Head Department of Investigations of the Ministry of National Security since August 2009 till August 2013 (on accusation of Suleymanov Abgoul Neimat oglu). The person making clear statements in front of the crowd at a religious gathering, on national, racial, social or religious hatred and hostility, as well as calling for restriction of rights or granting privileges on national, social or religious grounds for citizens, he, himself took part in and instigated pious persons to the commission of actions causing the violations of the public order. The Court found Suleymanov Abgoul Neimat oglu guilty under Article 283 of the Criminal Code and sentenced him to deprivation of liberty.

48. At the same time, according to Article 10 of the Law on Mass Media, the use of mass media outlets for the promotion of national, racial, social hostility or intolerance is prohibited.

49. In accordance with Article 7.0.7 of the Law on Public Television and Radio broadcasting, it is the duty of the public broadcaster not to broadcast programs promoting religious or racial discrimination. In accordance with Article 11.5 of the Law on Television and Radio Broadcasting, the national council on television and radio supervises over the prevention of such broadcasting.

50. As to prohibition of organizations promoting and propagating racial discrimination, it is to be noted that Article 4 of the Law on Political Parties and Article 8 of the Law on Trade Unions prohibit to establish and set in motion political parties as well as trade unions inciting racial, national or religious hostility.

51. In compliance with Article 2.3 of the Law on non-governmental organizations (social unions and foundations) a non-governmental organization can be established and run for purposes, not prohibited by the Constitution and Laws of the Republic of Azerbaijan.

52. It is expedient to mention the Law of Azerbaijan Republic dated June 24, 2008, while analyzing the legislation on racial discrimination. By this Law, Article 86.3 of the Code of Execution of Punishments has been modified in the following way: "it is prohibited for convicts to acquire, possess, subscribe to or disseminate publications that promote war, violence and cruelty, rouse racial and religious intolerance as well as pornographic publications".

53. The relevant provisions on prohibition of racial discrimination are contained in Internal Disciplinary Rules of penitentiary establishments, dated December 30, 2010. In accordance with clause 273 of chapter 61 of Rules, it has been prohibited for prisoners to obtain or keep as well as subscribe to or to distribute the printings promoting war, violence, extremism, terrorism and cruelty, provoking national, religious and racial hostility, as well as of pornographic nature. Also, according to rules, the list prohibiting the things to be given or passed to, as well as preparation, keeping, carrying or use by prisoners in penitentiary establishments includes also printings, audio-video carriers promoting war, violence, extremism, terrorism and cruelty, provoking national, religious and racial hostility, as well as of pornographic nature.

54. Furthermore, in accordance with the Article 23.2 of Law on "provision of rights and freedoms of persons detained in jails" of the Republic of Azerbaijan dated May 22, 2012, it has been prohibited for detained persons to obtain, keep or distribute the printings

promoting war, violence, extremism, terrorism and cruelty, provoking national, religious and racial, social hostility, as well as of pornographic nature; for arrested persons along with above mentioned it is also prohibited to subscribe to such kind of printings.

Article 5

Equality before the court

55. Equality of all people before the law and court is stipulated by the Constitution, the Criminal-Procedural, Civil Procedural and Administrative Procedural Codes.

56. According to the Article 69 of the Constitution of the Republic of Azerbaijan, foreigners and stateless persons while staying in the Republic of Azerbaijan can enjoy all the rights equally with the citizens of the Republic of Azerbaijan and should fulfill all duties if otherwise is not envisaged by the Law or international agreements that the Republic of Azerbaijan is the party to. They have equal rights before the Law and courts in the Republic of Azerbaijan irrespective of social and property position, race and nationality, gender, attitude to religion, type and character of activity and other grounds.

57. Article 7 of the Law on Courts and Judges stipulates that, in accordance with Article 25 of the Constitution in the Republic of Azerbaijan justice is served based on legal equality before law and court regardless of race, nationality, religion, language, background, or other factors mentioned in the Law.

58. According to Article 10 of the Law of the Republic of Azerbaijan on "Courts and judges" the right to judicial protection of rights and freedoms of citizens of the Republic of Azerbaijan, foreign citizens, as well as stateless persons residing in its territory envisaged in the Constitution and other laws, as well as judicial protection of juridical persons from any kind of conspiracy and law violation at any stage of court proceeding is provided. No one can be deprived from the right to judicial protection. The right of suspected or accused person to protection by means envisaged by the legislation of the Republic of Azerbaijan, as well as the right to use assistance of advocate from the moment he/she was detained, arrested or accused of committing crime is guaranteed. In accordance with Part II of Article 61 of the Constitution of the Republic of Azerbaijan legal assistance is provided free of charge, by the State in cases envisaged by the Law.

59. In the Republic of Azerbaijan, refugees and persons who refused to be granted refugee status have the right to apply to courts for protection of violated rights. It is enshrined in Articles 6 and 13 of the Law of the Republic of Azerbaijan on "Status of refugees and IDPs (displaced within the country)" and Items 4 and 13 of the "Rule of processing applications on granting "Refugee" status".

The security of persons

60. According to the Article 31 of the Constitution everyone has the right to live safely. With the exceptions identified by the Law, it is prohibited to threaten an individual's life, physical or psychological integrity, or apply violence towards him/her.

61. Article 111.0.1 of the Criminal Code stipulates criminal liability for refusing to grant persons belonging to racial groups their right to life and freedom.

62. One of the ways to provide the safe living of the group of people protected under this Convention is to recruit them to the law-enforcement agencies, especially to police institutions. According to the Law on Public Service of the Republic of Azerbaijan, citizens responding to the relevant professional qualifications requirements are recruited to public service including the special kind of public service ministry of interior, regardless of their race, nationality, religion or language.

63. 8.5 percent of the population, 11.4 percent of the staff of the ministry of internal affairs is composed of people with ethnic minority background in Azerbaijan. There is 6 percent of Talyshs constituting 1.2 percent of the population, 1 percent of Kurds constituting 0.06 percent of the population, 2.5 percent of Lezgis constituting 2 percent of the population, 0.8 percent of Russians constituting 1.3 percent of the population, 0.6 percent of Avars constituting 0.5 percent of the population and 0.5 percent of Jews, Tats, Ingiloys, Sakhurs, Laks, Udins and other ethnicities constituting 1.5 percent of the population working at the Ministry for Interior.

64. National minorities are represented in the Judicial System as well. At present time, approximately 20 judges with national minority background work in various courts of the Republic of Azerbaijan, including courts of appeal, the Supreme Court which is also the court of cassation, the Constitutional Court, which the supreme court responsible for service of constitutional justice. At the same time it should be noted that, the judge with national minority background was appointed as a member of the Judicial Legal Council, which is the self-governing body of the judiciary.

65. Close to 150 civil servants (including women) with national minority background work in the justice system, they hold high positions at the Ministry for Justice as well as other State bodies.

66. Regarding the issue of transfer of foreigners and stateless persons to foreign countries, it is to be noted that in accordance with the Law on Extradition, the extradition of the requested person is denied if there are sufficient grounds to believe that he/she will be subjected to torture, cruel, inhuman, or degrading treatment or punishment in the requesting country. Upon receiving the request for extradition, the information about the requesting country, as well as the facts on existing cases of torture or cruel treatment is looked into, also reports and opinions of the international organizations on international legal protection are studied. The court on felonies considers and decides on the issue of extradition in the collegial composition and the very decision of the court can be appealed in a manner envisaged in the legislation. In the very situation, the issue of provision of person with the right to protection receives special consideration.

Political rights

67. According to Article 3 of the Election Code, all citizens of the Republic of Azerbaijan have a right to vote, to be elected, and participate in referendums regardless of their race, nationality, religion, language, gender, background, or any other factors listed in the Law.

68. In accordance with Article 6 of the Law on Local Polls it is forbidden to limit direct or indirect participation of citizens in local polls on the grounds listed in the above-mentioned paragraph.

69. Voting rights of foreigners and stateless persons are reflected in the Election Code of the Republic of Azerbaijan. According to the Part 3 of the Article 12 of the Election Code citizens of foreign countries residing in the territory of relevant municipality for not less than 5 years can participate in voting of municipal elections (with the condition that the country of citizenship of the very foreigner provides the same rights for foreigners during the voting for municipal elections).

70. Pursuant to the Article 88.2 of the Election Code, in compliance with the Criminal Code of the Republic of Azerbaijan, during a pre-election campaign it shall be prohibited to abuse the mass media for campaigns, which incite social, racial, national or religious hatred and hostility. Generally, there was not any racial limitation for different election actors in the elections conducted so far in the Republic of Azerbaijan.

71. The Law of the Republic of Azerbaijan dated April 20, 2012 on "Amendments to the Law on "Political parties" prohibits the restriction of membership to political party on the grounds of profession, race, sex, ethnicity and religion, as well as establishment and operation of political parties aiming of or directed at the change of the constitutional structure of the Republic of Azerbaijan, its secular character by using force, violation of its territorial integrity, propagation of war, violence and cruelty or incitement of racial, national and religious hostility.

72. In the paragraph 12 of the final review it is recommended to promote representation of the various ethnic groups in the parliament and other elected and public bodies. With regard to the very recommendation it is to be noted that citizens have the right to be hired for public service regardless of their race, nationality, religion, language or any other factors. Article 27 of the Law on Public Service and the Article 4 of the Law on Service in the Justice System stipulate the right of professionally qualified citizens who are fluent in Azerbaijani to be hired regardless of their race, nationality, religion, language, gender, social background, property status, place of residence, faith, belonging to any social or other unions.

Other civil rights

73. According to the Article 28.3 of the Constitution of the Republic of Azerbaijan, everybody can move freely, choose place for residence and leave the territory of the Republic of Azerbaijan based on law.

74. The statistic data for 2013 on the countries of origin of foreigners and stateless persons who were granted permanent residence permit in the Republic of Azerbaijan and the countries of destination of citizens of the Republic of Azerbaijan are set out in tables 2 and 3, respectively.

Table 2

Statistical information on States of origin of foreigners and stateless persons with permanent residence permit in the Republic of Azerbaijan for 2013

Country name	*Total amount*	*Women*	*Men*
Morocco	2		2
Afghanistan	18	1	17
Armenia	1	1	
Austria	1	1	
Bangladesh	1		1
Belarus	21	14	7
China	2		2
Republic of Congo	1		1
FRG	8	2	6
Algeria	1		1
Egypt	3	1	2
Estonia	3	3	
Finland	1	1	
France	1		1
United Kingdom	24	6	18
Georgia	696	422	274
Greece	1		1

Country name	*Total amount*	*Women*	*Men*
Indonesia	1		1
India	7	1	6
Ireland	1		1
Iran	120	14	106
Israel	6	4	2
Italy	2		2
Jordan	1		1
Kazakhstan	130	73	57
Kyrgyzstan	42	26	16
Lithuania	9	4	5
Latvia	7	4	3
Moldova	16	12	4
Macedonia	2	2	
Nigeria	2		2
Netherland	1		1
Norway	4	2	2
New Zealand	2		2
Pakistan	45	5	40
Philippines	1		1
Poland	1		1
Portugal	1		1
Palestine	3		3
Russia	1098	658	440
Sweden	2		2
Syria	4	1	3
Tajikistan	4	3	1
Turkmenistan	91	65	26
Tunisia	1	1	
Turkey	398	36	362
Ukraine	173	94	79
USA	7	1	6
Uzbekistan	93	59	34
VOŞ	60	27	33
Other countries	5	1	4
Total	**3125**	**1545**	**1580**

Table 3

Statistical information on countries of destination of the citizens of the Republic of Azerbaijan in 2013

Country name	*Appeals*
FRG	1
Australia	2
Republic of Belarus	9
Czech Republic	1
Finland	3
France	1
Georgia	1
Israel	6
Canada	6
Uzbekistan	1
Kazakhstan	59
Russian Federation	289
Turkey Republic	1
Ukraine	20
Other countries	15
Total	**415**

75. As it has been previously noted, the freedom of religion is protected with the Constitution of the Republic of Azerbaijan. During the reporting period, provisions on prohibition of propagation aimed at creating racial, national, religious, social hostility and enmity by using force or by threatening to use force for the religious belief or religious life style, have been added to the Law of the Republic of Azerbaijan on "Freedom of religious belief" with Law on amendments and changes to the law "Freedom of religious belief" adopted on 8 May 2009. Furthermore, the Article 12.1 of the very Law refers religious propaganda aimed at creating racial, national, religious, social hostility and enmity, forced expression (demonstration) of religious belief, applying force to conduct religious ceremonies or participate at religious ceremonies, dissemination and propaganda of religion (religious movement) degrading dignity or contrary to the principles of humanity as the conditions laying grounds for the abolishment of the religious organization based on court decision.

76. According to the paragraph 14.2 of the "Instructions on rules for issuance of license for establishment of the specialized sale stations for the sale of religious literature, things and other information materials with religious content" approved by Order No. 10 dated October 21, 2009 of the State Committee for Work with Religious Organizations of the Republic of Azerbaijan, if in the religious literature, things and other information materials with religious content sold in the specialized sale stations there is information on application of use of force for religious belief and religious life style, including the information leading to establishment of racial, national, religious, social hostility and enmity, the State Committee for Work with Religious Organizations may revoke the very license.

77. According to the paragraph 12.3 of the "Instructions on issuance of opinion on advisability of construction of religious place of worship and reconstruction (renewal,

capital repair) of the existing religious place of worship" approved by order of the said Committee on January 28, 2010, if construction of religious place of worship and reconstruction (renewal, capital repair) of the existing religious place of worship is likely to create racial, national, religious, social hostility or enmity, issuing positive opinion on advisability of construction of religious place of worship and reconstruction (renewal, capital repair) of the existing religious place of worship may be rejected by State Committee for Work with Religious Organizations of the Republic of Azerbaijan.

78. Regarding the paragraph 10 of the final review on abuse of provisions of the Criminal Code on defamation, insult and the incitement to racial, national and religious hatred for the arrest of several journalists it is to be noted that nobody in the Republic of Azerbaijan, including the journalists, either can be illegally arrested irrespective of race, nationality, religion, language, sex, origin, financial situation, service position, faith and affiliation with public unions or subjected to physical or psychological pressures. Thus, according to the national legislation mass media as well as internet is free, though this freedom must not lead to the abuse or misuse the mass media for gossips, false and biased articles insulting the honor and dignity of citizens under the pretext of reliable source, slander or commission of any unlawful acts.

79. In the meantime, it is to be noted that no media worker had been convicted on the Articles 147 (defamation) and 148 (insult) of the Criminal Code in 2011. Only one person was convicted to fine based on Article 147 in 2012. During the reporting period only one person was convicted on Article 283 (provocation for national, racial, social or religious hatred or hostility).

80. The paragraph 1.2.7 of the "National Action Program of the Republic of Azerbaijan on increasing the efficiency in the protection of human rights and freedom" refers to the issue of improvement of the national legislation for eradication of criminal responsibility for defamation. For this very purpose, in 2012 Azerbaijan appealed to the Venice Commission for assistance in the elaboration of the draft law on defamation and relevant work has been started jointly with experts of the Commission. The delegation of the Venice Commission visited Azerbaijan on April 2013, and relevant meetings were held for elaboration of the draft law. The draft law envisages the application of principles imprinted in the precedent law of the European Court of Human Rights in the consideration of cases submitted to courts.

81. The Plenum of the Supreme Court of the Republic of Azerbaijan adopted on 21st of February 2014 the decision on the court practice of the consideration of the cases with special persecutions.

82. According to the aforementioned decision, the analysis of the cases on defamation and slander with special persecution, considered in the courts of the Republic of Azerbaijan during 2012-2013, indicates that 249 complaint communications against 401 persons have been lodged during the mentioned period. 44 of the complaint communications (10.9 percent) were against journalists though no journalist had been convicted during the said period. Thus, one journalist was justified, the execution of 10 cases with special persecution was dropped, and the execution and court consideration was rejected in relation to 33 out of these cases.

83. The Plenum has emphasized that the precedent law places utmost importance to the freedom of speech for the maintenance of the democratic system.

84. Nevertheless, according to Article 10.2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, freedom of expression may be subject to restrictions for the protection of the reputation or rights of others.

85. The decisions of the European Court of Human Rights have affirmed that the "necessity" for any restriction on freedom of expression must be convincingly established. In the first place the courts must assess whether there is a "pressing social need" for the restriction and, in making their assessment, they enjoy a certain margin of appreciation. In consideration of cases on the freedom of press, the national margin of appreciation is circumscribed by the interest of democratic society in ensuring and maintaining a free press. Similarly, that interest will weigh heavily in the balance in determining, as must be done under paragraph 2 of Article 10, whether the restriction was proportionate to the legitimate aim pursued (see, para. 45 of Case of *Fressoz and Roire v. France*).

86. The European Court has also mentioned that public-watchdog role of the press is a vital element in the democratic society (see para. 39, Case of *Goodwin v. The United Kingdom*, 27 March 1996). Its duty is to impart in a manner consistent with its obligations and responsibilities — information and ideas on all matters of public interest (see para. 37 Case of *de Haas and Gijsels v. Belgium* and para. 55 Case of *Colombani and others v. France*). But the press must not overstep the bounds set, inter alia, for "the protection of the reputation of others".

87. The Plenum has further explained that in accordance with the case law of the European Court a careful distinction needs to be made between facts and value judgments expressed in the information disseminated by the person charged with special persecution. The existence of facts can be demonstrated, whereas the truth of value judgments is not susceptible of proof. As regards value-judgments this requirement is impossible of fulfillment and it infringes freedom of opinion itself, which is a fundamental part of the right secured by Article 10 (Art. 10) of the Convention (see para. 42 Case of *de Haas and Gijsels v. Belgium* and para. 46 of Case of *Lingens v. Austria*). Meanwhile, it is difficult to define the difference between the facts and the judgments, when the pretensions are about the behavior of the third party. Since even a value judgment without any factual basis to support it may be excessive (see para. 43 Case of *Jerusalem v. Austria*).

88. The Plenum of the Supreme Court has recommended to the courts to give a careful consideration to the cases with special persecution to differentiate between whether the information is a slander or defamation or whether it is an intervention to the private or public life or political activity of the special persecutor. It should be taken into consideration that according to the precedent law of the European Court, the "duties and responsibilities" inherent in the exercise of the freedom of expression, the safeguard afforded by Article 10 to journalists in relation to reporting on issues of general interest is subject to the proviso that they are acting in good faith in order to provide accurate and reliable information in accordance with the ethics of journalism (see along with other sources para. 37 of case *Radio France and Others v. France*, para. 65 of the above mentioned *Colombani* case).

89. While it is the duty of the press to warn the public about the crimes allegedly committed by elected representatives or officials, the direct accusation of certain people by mentioning their names and positions, obliges journalists to present sufficient factual basis of the accusations (see, case of *Lesnik v. Slovakia*).

90. Also the court have been recommended to take into consideration the specificity and public dangerousness of the crime, the conditions specifying the personality of the accused person, mitigating or aggravating conditions of the crime, the importance of freedom of expression for the democratic society as well as the relevant precedent law of the European Court while deciding on punishments about the convicted on slander and defamation.

91. The European Court has emphasized that while deciding on the appropriateness of the intervention to the freedom of expression protected by Article 10 of the Convention, the character and seriousness of the punishments are "must" elements to be taken into

consideration (see along with other sources para. 37 case of *Ceylan v. Turkey* and paras. 41-42 case *Skalka v. Poland*).

92. Although States parties to the European Convention allow restrictions on the exercise of freedom of expression for the provision of relevant legal protection of reputation of a person and even in accordance with Article 8 of the Convention they are obliged to the realization of such measures in line with positive obligation in the very sphere (see para. 35 case of *Pfeifer v. Austria* and para. 57 case of *Von Hannover v. Germany*), this should not be done in a manner leading to the restrain the mass media to promptly inform the public on evident or alleged law breaches.

93. The European Court has mentioned that although sentencing is in principle a matter for the national courts, the imposition of a prison sentence for a press offence in exceptional circumstances may be compatible with journalists' freedom of expression as guaranteed by Article 10 of the Convention (see para. 115 case *Cumpana and Mazare v. Romania*).

94. The recommendations to national courts on the guarantee of the freedom of expression reflected in the decision of the Plenum of the Supreme Court are in line with the precedent law of the European Court.

95. Besides, the Plenum of the Supreme Court of the Republic of Azerbaijan adopted a decision on "Proposals on amendments to the Criminal Code to be submitted to Milli Mejlis of the Republic of Azerbaijan in line with the right of legislative initiative" on February 21, 2014.

96. The Plenum has mentioned that according to the case law of the European Court although sentencing is in principle a matter for the national courts, the imposition of a prison sentence for a press offence will be compatible with journalists' freedom of expression as guaranteed by Article 10 of the Convention only in exceptional circumstances, notably where other fundamental rights have been seriously impaired, as, for example, in the case of hate speech or incitement to violence (see para. 115 case *Cumpana and Mazare v. Romania*).

97. The sanctions parts of Articles 147.1 and 148 of the Criminal Code of the Republic of Azerbaijan stipulate along with other punishments the deprivation of liberty for the offences of slander and defamation.

98. The Plenum, guided by the position of the European Court on preference to punishments not related to deprivation of liberty for offences of slander and defamation and considering the punishment of fine to be most expedient for the crimes of slander and defamation, found important to submit proposals to Milli Mejlis on relevant amendments to the very article of the Criminal Code in line with the right of legislative initiative.

99. Besides, according to the Plenum, norms on responsibility for slander and defamation propagating hostility or violence on racial, national, religious or any public affiliation grounds, must be added to the criminal legislation and the draft law reflecting the above mentioned must be submitted to Milli Mejlis in line with the right of legislative initiative.

100. Hence, the Plenum of the Supreme Court decided on submission of proposals to Milli Mejlis on amendments to the Criminal Code of the Republic of Azerbaijan in line with the right of legislative initiative.

101. Meanwhile, during 2009–2013, 15 million manats was allotted to the provision of freedom of expression and 30 million manats to the strengthening of social protection of journalists from the State budget through the State Support Fund for Mass Media under the auspices of the President of the Republic of Azerbaijan.

The rights of foreigners and stateless persons

102. In Article 3.0.2 of the Migration Code, definition of stateless person has been harmonized with 1954 Convention on the Reduction of Statelessness. According to that Article of the Code stateless person is a person who is not considered a citizen by any State according to its Law.

103. In general, application of Migration Code is equal for all foreigners and stateless persons. But in some cases different rules have been defined regarding foreigners and stateless persons.

104. Rights and freedoms of foreigners and stateless persons residing or temporarily staying in the territory of the Republic of Azerbaijan can be restricted only in compliance with international law norms and the legislation of the Republic of Azerbaijan.

105. In accordance with Article 28 of the Constitution of the Republic of Azerbaijan, every citizen of the Republic of Azerbaijan can freely leave the country, live and work abroad. According to the "Migration Code of the Republic of Azerbaijan" a citizen cannot be deprived of the right to entry to and exit from the country. In accordance with the Code the right of a citizen of the Republic of Azerbaijan, as well as foreigners and stateless persons to leave the Republic of Azerbaijan can be temporarily restricted only in cases envisaged by the Code.

106. Foreigners and stateless persons can arrive in the Republic of Azerbaijan in a way envisaged by the legislation upon visa or under visa-free regime. In 2008-2012, 84 per cent of 212448 applications received from foreigners and stateless persons for extension of temporary staying period, obtaining temporary and permanent permits, as well as work permits were positively responded, residence of 9662 persons whose documents were improper was legalized.

107. In accordance with the "Migration Code of the Republic of Azerbaijan" the permission card for temporary residence in the Republic of Azerbaijan is a document authorizing foreigners and stateless persons to reside in the Republic of Azerbaijan temporarily and exit from the Republic of Azerbaijan and return back to the Republic of Azerbaijan under visa-free basis during its validity period, and certifying the identities and registration of those persons upon the places of residence irrespective of race, nationality, religion, language, gender, skin color, national and ethnic origin. A temporary residence permit on the territory of the Republic of Azerbaijan is issued for the period mentioned on the application of the applicant, but for the duration not exceeding 1 year and can be extended each time for the period not exceeding 2 years, if there is a relevant basis.

108. Foreigners and stateless persons temporarily residing in the territory of the Republic of Azerbaijan at least for 2 years on grounds envisaged by relevant Articles of Migration Code can apply for obtaining permit for permanent residence in the territory of the Republic of Azerbaijan. Permission card for permanent residence in the Republic of Azerbaijan is a document authorizing foreigners and stateless persons to reside in the Republic of Azerbaijan permanently and exit from the Republic of Azerbaijan and return back to the Republic of Azerbaijan under visa-free basis during its validity period, and certifying the identities and registration of those persons upon the places of residence.

109. Confiscation of identification documents of foreigners and stateless persons, as well as restriction of their movement within the country are not envisaged by the national legislation.

110. At the same time, collection and storage of passports or other identification documents of employed foreigners and stateless persons by juridical persons, physical persons carrying out entrepreneurial activity without registering as a juridical person, as well as branches and representations of foreign juridical persons have been prohibited.

According to the Code persons collecting, storing and hiding passports or other identification documents of foreigners and stateless persons for the purpose of employment bear responsibility as envisaged in the Law. Illegally collecting or storing of citizen's identification document and passport as a deposit causes administrative responsibility in compliance with Article 332.1 of Administrative Offences Code of the Republic of Azerbaijan (Fine in the amount of 85-90 manats).

111. According to the Article 78 of the "Migration Code of the Republic of Azerbaijan" foreigners and stateless persons can be expelled from the territory of the Republic of Azerbaijan in the following cases:

- In case compulsory expulsion from the territory of the Republic of Azerbaijan is imposed as punishment for committed crime;
- In case expulsion from the territory of the Republic of Azerbaijan in administrative way is applied as an administrative punishment for committing an administrative offence;
- In case decision is made for expulsion of foreigner and stateless person from the territory of the Republic of Azerbaijan according to the Article 79 of this Code.

112. According to the Article 79 of the "Migration Code of the Republic of Azerbaijan" the State Migration Service issues decision on expulsion of foreigners and stateless persons in the following cases:

- In case visa or decision on extension of temporary staying period or permit for permanent or temporary residence is cancelled;
- In case their stay in the territory of the Republic of Azerbaijan is considered undesirable;
- In case of absence of grounds for residence in the Republic of Azerbaijan envisaged by this Code for foreigners or stateless persons released from serving punishment.

113. The persons obtained refugee status in the Republic of Azerbaijan and their family members are provided with refugee cards in a defined form. Currently new samples of "Refugee card" and "Travel document" with electronic chips are being prepared for the movement of those persons beyond the territory of the country.

114. Refugees can acquire citizenship of the Republic of Azerbaijan in compliance with the Law on "Citizenship of the Republic of Azerbaijan". During the reporting period 2 of the persons with refugee status were accepted to citizenship of the Republic of Azerbaijan. It should be mentioned that some of the citizens of the Islamic Republic of Afghanistan residing in the territory of the country were accepted to citizenship of the Republic of Azerbaijan, the others were granted with permits in a way envisaged by the legislation. At present this process is on.

115. According to Article 11 of the Law on the status of refugees and internally displaced persons (displaced within the country), the rights of the persons submitted applications for refugee status like to reside temporarily in the territory of the Republic of Azerbaijan, to use services of translator free of charge, to use free of charge the residential area provided in temporary accommodation centre till the case on granting refugee status is processed but for not more than 3 months, to get temporary work, to get medical assistance, to freely practice his/her religion, to contact with the Representative of the Office of the United Nations High Commissioner for Refugees (UNHCR), etc. are ensured.

116. In case when foreigners and stateless persons arrived in the Republic of Azerbaijan with the intention to obtain refugee status do not have residential area, they are voluntarily placed in the building of the Detention Center for illegal Migrants of the State Migration

Service designated for asylum seekers. The persons intending to obtain refugee status and their family members are provided with rooms equipped with home appliances, three times nutrition during the day, etc., necessary conditions are created for them to learn Azerbaijani language, to spend their leisure time efficiently, to do sport. Free movement of asylum seekers placed in the Center is provided, their rights to leave the Center and return there are ensured. Foreigners and stateless persons placed in the Center are provided with free legal assistance, information on legislation of the Republic of Azerbaijan in migration sphere and necessary medical assistance envisaged by the legislation for protection of their health. According to requirements of the legislation those persons can stay in Detention Center during the investigation period of their applications, meaning during 3 months.

117. Concluding marriage by the persons submitted application for refugee status or obtained refugee status in the Republic of Azerbaijan with the citizens of the Republic of Azerbaijan is ensured in accordance with the requirements of the legislation. There is no discrimination for persons concluding marriage on race, nationality, religion, affiliation to certain social group or political conviction. It should be mentioned that at present 14 refugees from various countries who are registered with the State Migration Service are married with citizens of the Republic of Azerbaijan.

118. Conditions for deprivation from refugee status, prohibition of sending, handing out or compulsorily returning to other country of refugees are reflected in the Law on "Status of refugees and IDPs (displaced within the country)". According to Part 2 of Article 15 of the afore-mentioned Law, till the case of the person applied for obtaining refugee status is processed by the relevant executive authority (the State Migration Service), he/she cannot be sent, given or returned to the other State. According to Part 3 of that Article, decision on deprivation from refugee status, sending, giving or compulsorily returning the refugee, as well as the person who wants refugee status to another country is made by the court upon application of the relevant executive authority (the State Migration Service). According to Part 4 of Article 13 of the Law if another rule is not envisaged by the legislation, filing a complaint by the persons stops actions about the organization of sending that person from the territory of the Republic of Azerbaijan.

119. It should be mentioned that during the reporting period not a single data was recorded on expulsion from the territory of the country (during investigation period of application and till the decision is made about him/her) of the person whose application for obtaining refugee status has been registered.

120. During 2009–2013, 6 applicants were granted the refugee status (14 persons including family members) by the State Migration Service.

121. During 2009–2013, 6 applicants applied for obtaining the refugee status (14 persons including family members) were granted the refugee status because of threat of persecution and torture by government authorities in case returned to their country of origin. As to the data of 31 December 2013, currently 50 applicants (68 persons including family members) from various countries have been registered as refugees at the State Migration Service of the Republic of Azerbaijan.

122. The State Migration Service assists repatriation of asylum seekers to their country of origin, cooperates with UNHCR in the field of resettlement of refugees to third countries who are under the protection of UNHCR.

123. With regard to the recommendation reflected in the paragraph 5 of the final review on registration of Russian citizen from Chechnya to the places, it is to be noted that since the 90s of the last century registration, investigation of applications for obtaining refugee status of citizens of Russian Federation of Chechen origin and making decision on those persons have been carried out by UNHCR Representation in Azerbaijan and therefore those persons are registered with the aforementioned organization as refugees. During the past

years a part of citizens of Russian Federation of Chechen origin who are under the protection of UNHCR Representation in Azerbaijan have been resettled in third countries via UNHCR, the others await resettlement.

124. It is also to be noted that, alternative protection for the persons not recognized, as refugee is not envisaged by the national legislation of the Republic of Azerbaijan. But relevant conditions have been set for such persons to apply to UNHCR Representation in Azerbaijan at further stages and to use their protection. The Government of Azerbaijan does not expel foreigners and stateless persons under the protection of UNHCR Representation in Azerbaijan, as well as citizens of Russian Federation of Chechen origin from the territory of the country, demonstrates tolerant attitude to them, does not hinder them to choose place of residence and to reside.

The rights of the victims of human trafficking

125. With regard to the paragraph 7 of the concluding observation recommending "to effectively implement the National Plan of Action to Combat Trafficking in persons and to ensure that the Law on Combating Trafficking in Persons is fully enforced and that, perpetrators are effectively prosecuted and punished" it should be stressed that the issues like the increasing efficiency of activity, protection and social rehabilitation of victims, implementation of cooperation and enlightenment measures are kept under strict control in compliance with the "National Action Plan on combating trafficking in human beings for 2009-2013". Normative documents regulating activity of the shelter for victims of human trafficking, social rehabilitation of victims and immediate handover of them to police stations without any obstacles as well as Charter of "Hot line", "Regulations on the Assistance Fund to Victims", "Rules for the National Referral Mechanism", "Rules (indicators) for Identification of Victims" and "Rules for placing and keeping children victims of human trafficking in the shelter" have been approved by the Government.

126. As a follow-up of measures taken in the sphere of the fight against human trafficking "Action plan on fight against human trafficking, forced labor, as well as prevention of such cases, elimination of its results" was approved in August of 2013 jointly with Ministry of Internal Affairs of the Republic of Azerbaijan, the State Migration Service of the Republic of Azerbaijan and Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan and necessary measures are being taken in this regard.

127. Meanwhile, the Memorandum of Understanding for cooperation was signed between the Ministry of Internal Affairs and Coalition of Non-Governmental Organizations against human trafficking involving 45 non-governmental organizations and one of the priority directions of the National Action Plan — Special Working Program on joint implementation of enlightening measures, was developed and started to be executed. Meetings were regularly held between the Coalition and representatives of the State authorities, members of the Working Group under the National Coordinator on combating human trafficking and discussions were held on issues like the current state of struggle against human trafficking, protection of victims, implementation of the New National Action Plan, expanding cooperation with non-governmental organizations and other matters.

128. Along with the above-mentioned, two grant agreements for 2011-2013 were concluded with the United States Agency for International Development (USAID) and the Organization for Security and Cooperation in Europe (OSCE) for governmental and non-governmental organizations of Azerbaijan Republic on rendering assistance to victims and supporting justice, as well.

129. One of the main achievements attained in this direction was accession of our country to the Council of Europe Convention on Action against Trafficking in Human Beings in

2010. For the purpose of studying international practice on implementation and application of the Convention, workshops were held in Baku in 2010 and 2011, by joint organization of the Ministry of Internal Affairs and the Council of Europe Information Society and Action against Crime Directorate, with participation of experts of European countries.

130. Additionally, several events were organized together with the relevant State authorities for improvement of the legislation on combating human trafficking in compliance with the Convention. Amendments were made to the Law of the Republic of Azerbaijan on "Combating Human Trafficking" and Criminal Code taking into consideration the recommendations of the international organizations.

131. "Rules for Repatriation of Victims of Human Trafficking" were adopted by the relevant decision of the Cabinet of Ministers of Azerbaijan Republic.

132. Besides this, Decision of the Cabinet of Ministers on the Program for elimination of social problems which create circumstances for human trafficking was adopted on 20 May 2011 and with the Decision dated 3 August 2012, the compensation to be granted to person for the reintegration period was increased to 400 Manats.

133. At the same time, on 19 April 2013 new Article 14.1 entitled "Rehabilitation and time for deliberation" was added to the Law on combat against human trafficking. According to this Article, the victim of the human trafficking is entitled to 30 days of rehabilitation and deliberation period to restore his or her situation, evade from the influence of the criminals, and render well-considered decision regarding the cooperation with criminal prosecution organs. The victim of human trafficking may enjoy the provision with security and defense measures, as well as the services of special institutions for physical, psychological and social rehabilitation. The victim is not deported from the Republic of Azerbaijan during the period of rehabilitation and deliberation.

134. Regarding the statistical data on communications addressed by victims of human trafficking, it is to be noted that in 2011, there were 29 communications addressed by the victims of human trafficking, 17 criminal investigations were conducted on the very communications, out of which 12 were submitted to the court. 20 accused persons (2 men, 18 women) were convicted, 29 victims of human trafficking (1 man, 28 women) were identified and all of them are the citizens of the Republic of Azerbaijan. 2 persons of the accused persons were 18-25 years old, 1 of them was 25-35 years old, 17 of them were elder than 35, 1 of the victims was underage, 5 of them were 18-25 years old, 18 of them were 25-35 years old and 5 was elder than 35.

135. 53 communications were addressed by the victims of human trafficking in 2012 and 12 investigation inquiries were conducted on human trafficking and forced labor crimes. 11 cases out of the above mentioned investigation inquiries were submitted to court. 22 accused persons (10 men, 12 women) were convicted, 53 victims of human traffic (18 men, 35 women) were identified. 1 of them was the citizen of Iran Islamic Republic and others were the citizens of the Republic of Azerbaijan. 3 of the accused persons were 18-25 years old, 7 of them were 25-35 years old, 12 of them were elder then 35, 2 of victims were underage, 9 of them were 18-25 years old, 26 of them were 25-35 years old and 16 of them were elder than 35 years.

136. 20 communications were addressed by the victims of human trafficking during the first 6 months of 2013, 15 investigation inquiries were conducted on human trafficking and forced labor crimes, 4 cases out of the above mentioned investigation inquiries were submitted to court. 6 accused persons were convicted (all of them are women), 20 victims were identified (all of them are women); all of them are the citizens of the Republic of Azerbaijan. 2 of the accused persons were 25-35 years old, 4 of them were elder than 35, 9 of the victims were 28-25 years old, 8 of them were 25-35 years old, 3 of them were elder than 35 years.

137. 74 of the victims (2011-18, 2012-42, the first half of 2013-14) were accommodated to shelter, all of them received medical, psychological aid and they were provided with necessary dresses. 92 persons (2011-28, 2012-48, the first half of 2013-16), who got injured as a result of this crime, got lump-sum allowance during the reintegration period, 62 of them (2011-21, 2012-35, the first half of 2013-7) got assistance from Relief Fund for victims of human trafficking.

138. Article 20.6 of the Law prohibiting the provision of the right to reside in the Republic of Azerbaijan for the victims of human trafficking who are foreigners, stateless persons, the identity of those cannot be verified, has been abolished. It is also to be noted that during 2009–2013 (first six months) 113 persons have been convicted on Article 144.1 (Human trafficking) of the Criminal Code.

139. Corresponding information about measures implemented related to human trafficking has been constantly posted on website of Department of Struggle against Human Trafficking (www.iaqmi.gov.az) for the public awareness.

The rights of persons seeking asylum

140. In paragraph 5 of the final review it is noted that asylum-seekers, refugees and internally displaced persons continue to experience discrimination in the areas of employment, education, housing and health. On the very issue it is to be noted that it is prohibited to discriminate on racial, ethnic or national origin and etc. grounds in the procedures applied for the asylum-seekers in the Republic of Azerbaijan. The rights of persons granted with the refugee status in the territory of the country are regulated by the Law on the Legal Status of Foreigners and Stateless Persons, the Law on the Registration at the Place of Residence and Place of Temporary Residence and the Law on the Status of Refugees and internally displaced persons (displaced persons within the country).

141. Protection papers were issued to 668 families comprising 1466 persons who have received permanent or temporary protection with confirmed registration and those whose applications are pending as of 01.08.2013 by UNHCR in Azerbaijan, in compliance with prevention of any forms of racial, ethnical or national discrimination of asylum seekers and in application of additional protection measures for the persons not officially recognized as refugees, needing protection. 63 of them are State refugees, 822 persons are protected, 452 are persons with temporary protected status and 129 are pending (858 men and 608 women). 667 of them came from Afghanistan, 649 from Russia, 86 from Iran, 23 from Pakistan, 11 from Iraq, 10 from Syria, 8 from Palestine, 5 from Armenia, 2 from Yemen, 1 from Congo, 1 from Cameroon, 1 from UAE, 1 from the People's Republic of Bangladesh and one is a stateless person.

142. Expulsion is not applied with regard to foreigners and stateless persons who are granted refugee status or political asylum by the Republic of Azerbaijan. Decision on expulsion of foreigners and stateless persons, who are considered to be victims of human trafficking, is not made for the period of 1 year and for foreigners and stateless persons that assist the prosecuting authorities till the end of prosecution. Decision on expulsion is not made on minor victims of human trafficking.

Economic, social and cultural rights

143. Number of economically active population in Azerbaijan at the beginning of 2013 constituted 4 million 688.4 persons, of which 4 million 445.3 thousand (94.8%) persons are employed in different branches of the economy and 243.1 thousand (5.2%) are unemployed. 36.8 thousand (0.8%) unemployed are officially registered by Employment services. 1 million 157.7 thousand (26%) employed are engaged in the public sector, 3 million 287.6 thousand (74%) — non-public sector.

144. Table 4 reflects the distribution of economically active population of the Republic of Azerbaijan by ethnic origin based on results of 2009 population census.

Table 4

Distribution of the economically active population of the Republic of Azerbaijan by ethnic origin (2009)

Ethnic origins	*Economically active population, thousand persons*
Number of population – Total	4565,8
of which	
Azerbaijanis	4176,8
Lezghis	97,7
Armenians	54,3
Russians	61,1
Talyshs	60,4
Avars	30,3
Turks	21,6
Tatars	13,7
Tats	11,4
Ukrainians	10,0
Sakhurs	6,9
Georgians	5,5
Jews	3,3
Kurds	3,0
Kryzs	2,3
Udins	2,1
Khynalygs	1,0
Other nationalities	4,4

145. According to Article 42 of the Constitution of the Republic of Azerbaijan, every citizen has the right to education, especially free compulsory comprehensive education.

146. Regarding the protection and development of the minority languages it should be taken into account that in accordance with Article 127 of the Constitution, justice is served in the official language of the Republic of Azerbaijan or in the language of the majority of the population. The party which does not know the language in which the proceedings are carried out has the right to get acquainted with the case materials, to participate in the hearing with the assistance of an interpreter, and to speak in his native language before court. According to Article 12 of the Law on public television and radio broadcasting, broadcasts in the language of national minorities residing in the territory of the Republic of Azerbaijan are included to public transmission programs.

147. Article 6 of the Law on Mass Media, stipulates that citizens have the right to use other languages different from the languages spoken by the population of the Republic of Azerbaijan, as well as other world languages when publishing and distributing mass information.

148. Article 5.2 of the Law on "official language" provides for the activity of educational institutions in other languages in the Republic of Azerbaijan. According to the Article 7.2

of the Law on "Education" taking into consideration of the will of citizens and founders of the educational institutions, in special cases at general educational institutions the education can be taught in other languages based on State education standards and with the inclusion of classes on the language, literature, history and geography of Azerbaijan.

149. Article 6.2 of the Law of Azerbaijan Republic on "Culture" dated December 21, 2012 reaffirms the State guarantee of the right of everyone to enjoy the rights and freedoms in the field of culture irrespective of sex, race, language, religious and political belief, nationality, social condition, social origin, health opportunities, affiliation with public unions; while Article 43 of the very Law refers the conduct of cultural events calling for propagation or promotion of war, the superiority of social, racial, national, religious, section, family superiority, as well as restriction of human rights and main freedoms based on race, nationality, religion, language, social origin, service position, faith or affiliation with public unions as acts that cannot be in anyhow accepted in the field of culture.

150. In accordance with the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 20 October 2005, the culture of ethnic minorities and groups living in the Republic of Azerbaijan is protected and developed as a part of the culture of Azerbaijan. Special measures are undertaken to preserve the national culture, fine arts, traditions and language of these groups.

151. Several festivals, academic conferences with the participation of scholars, photo-exhibition related with cultural life of the minorities who live in Azerbaijan, have been organized during the reporting period.

152. More than 40 cultural groups representing almost all national minorities and ethnic groups which operate in Baku and 15 regions of country, with eight hundred participants performed at the Azerbaijan National Theater of Musical Comedy and the Song Theater named after Rashid Behbudov.

153. The Third National Festival of Arts of Peoples populating Azerbaijan was held under the slogan — "Azerbaijan is Our Homeland" on 14–18 June 2011. In the framework of the Festival, a compact disc (comprising forty two songs) — Songs of Peoples populating Azerbaijan –was produced, with a thousand copies in five languages (Azerbaijani, English, Russian, French and German). A Round Table discussion group, dedicated to the Ethnic Culture of Azerbaijan in the Globalizing World, was also organized at the Museum Center. Last year, the Suvar Lezghi song and dance group of Baku, the Hayal Talysh Dance Group of the region of Masally, and the dance group made up of elderly people from the Lerik region, took part in the international festivals which were held in Turkey and Hungary.

154. Azerbaijan has approved the Program on "Capitals of Folklore Creativity for the years of 2010-2014". The Program in question contributes to the development of the potential of cultural workers in the regions.

155. The Azerbaijan State Russian Drama Theater, the State Gusar Lezghi Drama Theater and the State Gakh Georgian Drama Theater, which have been active for many years, play an important role in the preservation of the cultural identity of national minorities.

156. The main objective of holding these events is to ensure "the right to participate in the cultural life and enjoy cultural institutions and cultural resources", as enshrined in Article 40 of the Constitution of the Republic of Azerbaijan, as well as to reveal young talents and strengthen international cultural ties.

157. In order to promote the principle of the superiority of human rights, which constitutes one of the main pillars of a civilized society, open lectures have been continuously organized on related topics at the Azerbaijani Tourism Institute, the

Minghechevir Tourism College and the National Center for Preparation and Qualification Improvement of Employees of the Cultural Institutions attached to the Ministry. Round table discussions are regularly organized at the Azerbaijani Institute of Tourism. The main purpose of these events was to raise public awareness about the problems existing in the field of human rights.

158. Azerbaijan implements important initiatives in the promotion of cross-cultural dialogue, both at national and international levels. The Conference of Ministers for Culture of the member States of the Council of Europe was held on 2–3 December 2008 following the Order of the President of the Republic of Azerbaijan, Mr. Ilham Aliyev, dated 4 November 2008, on organization of the Conference of Ministers for Culture of the member States of the Council of Europe on the subject of "Intercultural dialogue is the basis of sustainable development and peace in Europe and its neighboring regions" in Baku. The very Conference was jointly organized with the Council of Europe.

159. The Baku Conference has become an important event to implement the White Paper on Intercultural Dialogue of the Council of Europe and the recommendations contained on that document as well as to promote the traditions of dialogue of Europe with its neighbors.

160. The Baku Declaration for the Promotion of Intercultural Dialogue was adopted by the Culture Ministers at the Baku Conference and the Project of "Art workers in favor of dialogue" was initiated the main objective of which was to protect rights of talented people and other persons working in the field of culture, ensure their participation in cultural processes at the international level.

161. In order to ensure the sustainability of the Baku Process on Intercultural Dialogue, the VI Conference of the Culture Ministers of member States of the Organization of the Islamic Conference was held in Baku on 13-15 October 2009. The first day of the conference is remembered by the round table dedicated to the New Challenge to the Dialogue between Civilizations: the Baku Process held on the initiative of the Government of Azerbaijan with participation of member States of the Organization of the Islamic Conference and several European States and the mediation efforts of the Islamic Educational, Scientific and Cultural Organization and the Council of Europe. At the end, participants of the round table have adopted the Final Communiqué. The issues like co-operation at bilateral, regional and international levels, the experience sharing, the development of Intercultural Dialogue between the Islamic world and Europe, the implementation of projects and programs in this field, the undertaking of joint events related to the protection of cultural heritage in the conflict regions are reflected in the Communiqué.

162. The World Forum on Intercultural Dialogue under the leadership of Mr. Ilham Aliyev, the President of the Republic of Azerbaijan was held in Azerbaijan on 7-9 April 2011.

163. 49 non-governmental organizations (overall, close to 300 in the field of human) rights) related to ethnic minorities were granted State registration by the Ministry of Justice.

164. According to the Article 16 of the Labor Code ("inadmissibility of discrimination in labor relations"), admissibility of any discrimination among the employees in labor relations for citizenship, sex, race, religion, nationality, language, place of residence, property status, social-public relation, age, marital status, faith, political views, belonging to trade unions or other social organizations, service position, as well as professional qualities of the employee, professional abilities, other factors not connected with the results of the labor, directly or indirectly determination of privileges and discounts based on those factors, as well as restriction of rights is strictly prohibited. The employer or other natural entity allowing discrimination among the employees within the process of labor relations carries relevant responsibility as provided for in the legislation. The employee that is

subject to the discrimination may apply to the court with the claim for restoration of his or her violated rights.

165. The Article 6.2.1 of the Law of the Republic of Azerbaijan "on Employment" dated July 2, 2001 determining legal, economic and organizational principles of the State policy in the field of employment, as well as State allowances of the citizens in the field of labor and the unemployed persons in the field of social protection provides, as one of the main directions of State policy in the field of employment, equal opportunities to all citizens in implementation of the right to freely select the labor and employment not depending on the sex, race, religion, language, marital status, place of residence, property status, social-public relation, age, faith, belonging to the political parties, trade unions or other public organizations.

166. Article 111.0.3 of the Criminal Code stipulates criminal liability for taking any legislative or other measures for the purpose of preventing racial groups to participant in the political, social, economic, and cultural life of the country and preventing their full development by refusing their basic human rights and freedoms including right to employment, establishment of trade unions, education, leaving the country and returning, citizenship, moving and changing place of residence, freedom of conscience and speech, and the right to assembly and association.

The rights of refugees and internally displaced people

167. According to Article 6 of the Law on the status of refugees and internally displaced persons (displaced within a country), the person granted with refugee status in the Republic of Azerbaijan may live in specially allocated places not exceeding 3 months till the obtaining work and residence, leave for temporary residence without paying any due and take his or her property, get paid employment in the territory of the country without work permit, receive one time or other assistance defined by the State, receive health care, apply to the court for the protection of violated rights, return to the previous residence.

168. According to the legislation of the Republic of Azerbaijan, the person granted with the refugee status enjoys the same rights and bears the same responsibilities guaranteed for foreigners and stateless persons. The new born babies of the persons granted with refugee status receive birth certificates; furthermore, they are provided with all necessary conditions to receive education — for children in preschool educational institutions, for adolescents — in relevant educational institutions, to adapt to the local conditions, to get the citizenship, to learn the language, to acquire the citizenship of the Republic of Azerbaijan.

169. The category of the citizens needing special protection and having difficulties in being employed includes the young people up to 20 years old, the parents with single and many children not reaching the mature age, the women bringing up the children with limited health capabilities, the persons in the age of less than 2 years to the retirement age, disabled persons, the citizens released from prisons, internally displaced persons (IDPs), war veterans and the families of martyr.

170. By the order of the President of Republic of Azerbaijan dated July 01, 2004, number 298, "the State Program for improvement of life conditions of Refugees and IDPs and increase of employment" has been approved. In order to ensure improvement of apartment — life conditions of our citizens living in difficult conditions and encountering social problems in tent camps, load carriages on the railways, in social buildings and the buildings, the construction of which is half completed that are not fit for living, other temporary dwelling places, to establish work places for them and to ensure settlement of other social problems on account of resources of the State Oil Fund of the Republic of Azerbaijan, State budget, donor States and international humanitarian organizations; new settlements were built for ten thousands of families, modern type houses, apartments were

built and given to the use of refugees and IDPs in separate cities and regions, numerous humanitarian projects and other measures were implemented for the social protection of them.

171. Besides, by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan dated February 11, 2013, number 21, the period of the 2nd part of the decision of the Cabinet of Ministers of Azerbaijan Republic on "measures of improvement of the life conditions of the IDPs who worked in institutions and organizations funded from the Budget and deprived of work places not depending on themselves" dated May 10, 1994, number 181 was extended till January 1, 2014.

172. According to the above mentioned decision, the Ministry of Education, Ministry of Health, Ministry of Culture and Tourism of the Republic of Azerbaijan and other related State authorities and the executive power of the regions of the occupied territories were assigned to strengthen the realization of necessary measures for employment of IDPs to the vacant work places in the bodies being under their subordination and to present the quarterly reports on the implemented works to the Cabinet of Ministers of the Republic of Azerbaijan.

173. In the decision, it was assigned to ensure implementation of relevant measures defined in the legislation in respect to the employment of the IDPs that had applied to the authorities of employment service of the Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan.

174. In order to implement operative and immediate measures in the field of provision of employment and social protection of IDPs inhabited almost in all regions of the Republic, the activities of the Employment Centers of IDP regions in the regions that they are compactly inhabited were ensured ad relevant staff units were provided.

175. In general, during 2009–2012, 7487 refugees and IDPs were provided with relevant work, and during that period, 1813 persons were involved to training courses on modern, national professions based on the real requirements of the employers, 948 persons to paid social works, 1293 refugees and IDPs were given unemployed status, 1535 persons were set benefits for unemployment.

The rights of foreigners and stateless persons

176. There is no discrimination in the realization of labor activities for foreigners and stateless persons in the Republic of Azerbaijan. According to the Article 13 of the Labor Code, unless otherwise provided for in the law and the international agreements that the Republic of Azerbaijan is the party to, the foreigners and stateless persons can use all labor rights equally together with the citizens of the Republic of Azerbaijan and hold positions relevant to these rights.

177. Except for the cases provided for in the law, restriction of labor rights of the foreigners and stateless persons provided for in the Labor Code and other normative legal acts is prohibited.

178. According to the Article 45.0.9 of Migration Code, foreigners and stateless persons are granted permit for temporary residence in the territory of the Republic of Azerbaijan when they enroll as a full-time student in higher and special secondary education institutions and when they get education at secondary schools in the Republic of Azerbaijan.

179. According to Articles 64.0.14 and 64.0.16 of the very Code, persons married with the citizen of the Republic of Azerbaijan (provided that the citizen is registered on the territory of the Republic of Azerbaijan upon place of residence) or persons being in the

custody citizens of the Republic of Azerbaijan who are under 18 years old or I group disabled persons are not required to obtain work permit.

180. The legislation does not envisage any restrictions on affiliation of labor migrants to trade unions. According to Article 19.1 of the Labor Code of the Republic of Azerbaijan, a trade union may be established on a voluntary basis without discrimination among employees and without prior permission of employers. At the same time according to the Law of the Republic of Azerbaijan on "Non-governmental organizations (social unions and foundations)" foreigners and stateless persons entitled to reside permanently in the Republic of Azerbaijan can be founders of non-governmental organizations in the territory of the Republic of Azerbaijan. In accordance with the aforementioned Law foreigners and stateless persons can be participants of non-governmental organizations acting in the Republic of Azerbaijan.

181. According to Article 3.2 of the Law of the Republic of Azerbaijan on "Labor pensions", foreigners and stateless persons permanently residing in the territory of the Republic of Azerbaijan shall be entitled to pension provision on equal terms with the citizens of the Republic of Azerbaijan on conditions envisaged by the legislation. At present, foreigners enjoy these rights.

182. In compliance with the Law of the Republic of Azerbaijan on "Protection of health of the population" stateless person permanently residing in the Republic of Azerbaijan has the same rights as the citizens of the Republic of Azerbaijan in the field of healthcare. Foreigners have the right to healthcare in compliance with the rules envisaged by international agreements to which the Republic of Azerbaijan is a party to. According to Article 10 of the Law on "Protection of health of the population" medical services are provided free of charge in public medical institutions of the Republic of Azerbaijan. According to legislation of the Republic of Azerbaijan migrants can receive urgent and special medical assistance without any restriction and discrimination.

183. Foreigners and stateless persons investing in country economy in the amount at least 500.000 manats are granted with permit for temporary residence in the territory of the Republic of Azerbaijan for period indicated in application of the applicant but not more than 3 years and can be extended each time for not more than 3 years in case of existence of relevant grounds. According to Articles 50.0.5 and 55.0.2 of the Code, except the persons who are married to citizens of the Republic of Azerbaijan, permits for permanent and temporary residence in the Republic of Azerbaijan are not issued (extended) to a foreigner and stateless person by the relevant executive authority (State Migration Service) if they are carriers of the virus of a disease included in the list of contagious infectious diseases, approved by the relevant executive authority (Cabinet of Ministers), and previously issued permit gets cancelled.

184. According to Article 61.1 of the very Code every able-bodied and over 18 years old foreigner or stateless person can work in the Republic of Azerbaijan after obtaining work permit through juridical persons, physical persons dealing with entrepreneurship activity, without establishing juridical persons, and branches and representations of foreign juridical persons, employing him/her in a way and under conditions envisaged by this Code.

185. The State Migration Service in 2012 granted 11970 foreigners and stateless persons, in 2013 granted 11938 foreigners and stateless persons with work permits. During 2009–2013, 168049 foreigners and stateless persons (375 persons are stateless persons) were granted with temporary residence permit, while 9982 foreigners and stateless persons (599 persons are stateless persons) were granted with permanent residence permit. During the aforementioned period 590 persons acquired citizenship of the Republic of Azerbaijan (461 of them were stateless persons), 22 persons' citizenship of the Republic of Azerbaijan was restored (18 of them were stateless persons), 602 persons' citizenship of the Republic

of Azerbaijan was revoked in accordance with the legislation. During 2011–2013, 11855 persons were determined as the citizens of the Republic of Azerbaijan by the State Migration Service.

186. The paragraph 2.18 of the Actions Plan on the realization of the State Program for the years 2011–2015 for implementation of Employment Strategy of the Republic of Azerbaijan approved by the order of the President of the Republic of Azerbaijan dated November 15, 2011 provided for implementation of measures on regulation of participation of foreign work force in the labor market of the Republic, protection of the rights of migrant workers within the country and strengthening of supervision in this field.

The rights of victims of human trafficking

187. The Assistance Center for the Victims of Human Trafficking has been established within the structure of the Ministry of Labor and Social Protection of Population, for the implementation of the Law of the Republic Azerbaijan on "Assistance to the victims of human trafficking". Beginning from 2009 (from the beginning of activity of the Center) till August of 2013, total 279 victims of human trafficking (166 persons) and potential victims of human trafficking (113 persons) were provided with relevant medical, psychological, legal and other assistances.

188. So that, 75 persons were provided with psychological assistance, 50 persons were provided with legal assistance and 30 persons were provided with medical assistance. Besides the above stated, 155 persons were sent to professional courses, 37 persons were employed, 6 persons were provided with financial assistance, 8 persons were provided with necessary drugs, the children of 3 persons that are the victims of human trafficking were placed in kindergartens and baby houses.

189. "The Regulations of implementation of social rehabilitation of the victims of human trafficking (in line with the paragraph 7 of the Actions Plan on the realization of National Actions Plan on fighting human trafficking)" prepared by the very Center within the framework of activities improving the legislation, was approved by the decision of the Cabinet of Ministers of Republic of Azerbaijan on 24 February 2010, number 42.

190. The Program prepared for the implementation of the sub paragraph "ə" of the paragraph 3 of the Actions Plan on the realization of National Actions Plan on fighting human trafficking (preparation and implementation of programs directed to the prevention of social problems enabling human trafficking)" was approved by the decision of the Cabinet of Ministers of the Republic of Azerbaijan, on 26 May 2011.

191. The Center for Assistance to the Victims of Human Trafficking cooperates with International Organization for Migration as well as with several non-governmental organizations such as, Regional Rehabilitation and Reintegration Center (Temporary Asylum) established within the "Temas (Touch) Regional Development" Public Union acting in Ganja, "Clean World" Women Assistance Public Union, "Azerbaijan Children Union", "Social Care and Investigations" Public Union, "Family World" Public Union for Legal Assistance to the Families, "Soul House" Public Union for Assistance to the Families with low income.

Article 6

192. According to the legislation, citizen can directly appeal to the court or in line with the subordination apply or communicate to the State organs, local self-governing bodies, institutions, offices, organizations, public unions, officials on the decisions or acts (inactivity) violating his or her human rights and main freedoms.

193. Foreigners and stateless persons have the right to appeal to the courts of the Republic of Azerbaijan for the protection of violated or disputed rights and interests provided by law. Foreigners enjoy the equal procedural rights and bear the same responsibilities as the citizens of the Republic of Azerbaijan.

194. It is to be noted that fundamental measures have been undertaken to increase both the efficiency of the administration of justice and trust of citizens to the courts as well as to improve the activity of the court system.

195. Up to 20 new regional courts, including appeal courts and courts on felonies have been established to ease the means of access of population to the courts; the system of military courts has been improved. Taking into consideration the special importance of administrative justice in the prevention of violation of the rights of people by the State organs, administrative-economic courts have been established in 7 regions of the country, which had started to operate since January of 2011.

196. The increase in work burden of the courts due to the rapid economic development of Azerbaijan, the number of judges has been raised twice reaching 600, the number of court apparatus employees has been increased up to 75 percent, legal assistant has been assigned to every judge. The issue of financial maintenance of judges has also been on spotlight, their salary has been raised 30 times on average in comparison with the year of 2000.

197. In recent years as a result of the amendments made to the legislation, the mandate of the Judicial Council which is the self-government of the judiciary, has been broadened namely some important issues like the definition of the number of judges allocated for the courts among the total number of judges, adoption of samples of service cards of judges, termination of the mandate of the judge upon his or her written application, provision of independence of judges have been entrusted to the Judicial Council.

198. Meanwhile, for the first time in the history of the country, the judges can be seconded to the Apparatus of the Judicial Council or to the Ministry for Justice to be involved in the education process or to participate in the process of control of the organization of the court work. Furthermore, the mechanisms for the evaluation of the activities of the judges (the period has been increased to 5 years), the conduct of discipline execution and consideration of the communications have been further improved.

199. Since 2005 the rules of judge selection have been defined which entail in itself one of the most progressive and transparent methods in Europe. The very selection procedure comprising in itself numerous exams and contests, as well as long-term courses and practice aimed at the preparation of the nominees to the position of judges, is organized by an independent body — Selection Committee of the Judges, the composition of which consists of mainly judges. In recent years, 235 lawyers have been appointed as judges based on these procedures. Currently, the very judges form the 50 percent of the corps of judges, encompassing the 80 percent of the districts of Baku.

200. In 2013, 72 people were appointed as judges upon the successful pass of all exams as well as completion of trainings and practicing at court lasting for 1 year. For the preparation of those nominees to the position of judges the special focus of the trainings of the Academy of Justice had been on the subjects of promotion and protection of human rights, the precedents of the European Court of Human Rights, combat against corruption, court ethics and etc. Furthermore, those nominees have been sent to the trainings of a fortnight's duration held in Turkey.

201. The above mentioned nomination of judges completed the vast majority of vacancies at courts and this in its turn will contribute to lessen the work backlog of judges and increase the quality of work at courts.

202. The positive outcomes of the progressive judicial reforms held in Azerbaijan have been noted by the international organizations as well. Thus, the European Commission for the Efficiency of Justice, in its report on the European legal systems noted with appreciation the support of the Government to the judicial reforms. Furthermore, the Commission noted with interest the selection process of nominees for judges in Azerbaijan. Prominent members of the expert group established in the very regard paid a visit to Azerbaijan, directly observed the selection process of the nominees for the judges, held several meetings with the representatives of local and international organizations on the subject of the very process, held discussions, analyzed the national legislation of Azerbaijan.

203. The comprehensive report of the experts on the outcomes, stresses that the activities of the formed institutional bodies of Azerbaijan in the very sphere, as well as the selection process of judges comply with progressive European standards and the very process distinguishes itself with its transparency and objectivity. In the meeting of the Commission with the participation of all member States of the Council of Europe, decision was adopted confirming the best practice of Azerbaijan as an example.

204. In the report of the EU project on strengthening the judicial reforms in the Eastern Partnership countries, the method of selection of nominees for judges in Azerbaijan has been indicated as an example of best practice and the other parties has been recommended to refer to the very practice.

205. To raise the awareness on human rights and broaden the opportunities of having legal assistance free of charge for the people with lower income, the Ministry of Justice has established legal consulting service centers in the regions, has provided the very centers with skilled lawyers, provided relevant judicial organs and courts with administrative buildings and provided the expert with necessary legal literature and technical equipment. Furthermore, legal clinic has been established at the Academy of Justice within the framework of "Support Program for the Judicial Reforms" with the aim of providing the people with lower income with legal assistance free of charge.

206. The Ministry for Justice publishes periodicals on the protection of human rights, the prohibition of discrimination, promotion of peace and tolerance, puts relevant information on the website of the Ministry. The recommendations of the United Nations treaty bodies, including the recommendations of the Committee on the Elimination of Racial Discrimination related to the national reports of the Republic of Azerbaijan, have been translated, published and made available for the use of other relevant State organs within the framework of the cooperation existing between the Ministry for Justice and Office of the United Nations High Commissioner for Human Rights.

207. In addition to the above-listed it is to be noted that the provisions on the prohibition of discrimination have been reaffirmed in the separate normative acts regulating the activity of judges, civil servants as well as in the codes of behavior. Thus, according to the Article 8 of the "Code on the ethics of the judges" adopted with the decision of Judicial Council, dated 22 June 2007, the judge cannot express any racial, sexual, religious or nationalistic views or be discriminative in anyhow.

208. According to the Article 11.1 of Law on "rules of ethical conduct of the civil servants" of the Republic of Azerbaijan dated May 31, 2007, while fulfilling their duties or making decisions civil servants must be unbiased and must not give rise to situations allowing any person or groups of people to get any advantage based on his or her race, national belonging, religion, language, sex, social origin, property and official status, belief, affiliation with any public or any other union.

209. According to the paragraph 8.8 of decision of the Board of State Agency on Citizens Services and Social Innovations under the President of the Republic of Azerbaijan dated

June 06, 2013 approving the "Rules of conduct and regulation of activity in centers of "ASAN service", "Rules of organization of activity of "Chaghri (Call)" center of State Agency on Citizens Services and Social Innovations under the President of the Republic of Azerbaijan", "Rules of opinion about their expediency to projects submitted by State agencies related to information systems, information reserves and electronic services" and "Rules of meetings of State Agency's Board on Citizens Services and Social Innovations under the President of the Republic of Azerbaijan", employee must be unbiased and while fulfilling his or her duties must not discriminate based on race, national belonging, religion, language, sex, social origin, property and official status, belief, affiliation with any public or any other union of the people.

210. The principle of equality set forth in paragraph 5.2 of "Rules of formation of the reserve staff for positions in accordance with sixth-ninth classification of administrative posts in state organs" adopted by Order No. 80, dated April 30, 2008 of State Civil Service Commission under the President of the Republic of Azerbaijan, has been identified as having the same rights related to formation of reserve staff and having the same position, as well as, inclusion to, management of and exclusion from the reserve staff list regardless of race, nation, language, sex, social origin, religion, belief, social party, public or any other union.

211. In paragraph 14 of the Final review, the Committee recommended to take additional measures to disseminate the information about the International Convention on the Elimination of All Forms of Racial Discrimination and the Committee's general recommendations. In this regard it is to be noted that in line with the "National Action Program of the Republic of Azerbaijan on increasing the efficiency in the protection of human rights and freedom", scientific research work is being conducted on the implementation of core human rights documents, as well as the International Convention on the Elimination of All Forms of Racial Discrimination by the courts in the country. During 2009–2013 (first 6 months) first and appellate courts of the country haven't referred to the provisions of the very Convention as in the tolerant country of Azerbaijan there are so far no court suits related to the racial discrimination.

212. It is to be noted that since the submission of the joint fifth and sixth reports of the Republic of Azerbaijan on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination several legislative acts have been adopted while some amendments have been made to the existing legislation in compliance with realization of both the International Convention on the Elimination of All Forms of Racial Discrimination and the recommendations of the Committee.

213. Article 74.4 of the Migration Code of the Republic of Azerbaijan adopted with the law dated 2 July 2013, stipulates that foreigners and stateless persons are equal before the law and courts of the Republic of Azerbaijan regardless of their property or social conditions, race, nationality, gender, language, religion, type and character of his/her activity and other cases.

214. Article 2.1.6 of the Law on data protection of the Republic of Azerbaijan dated 11 May 2010 attributes the data on racial or national origin, family life, religious belief or views, health conditions or imprisonment of the person to the category special data.

Article 7

215. According to the Article 5.2 of the Law of the Republic of Azerbaijan on Education dated June 19, 2009, the State guarantees every citizen equal opportunities and non-discrimination in education regardless of sex, race, language, religion, political belief, nationality, social status, and origin and health conditions.

216. As of today, there are 1671 preschool educational institutions, at 10 of which 409 children get educated in Russian while at 6 of which 280 children get educated in Georgian. At 183 institutions conducting trainings in Azerbaijani and Russian languages study 22247 pupils and out of them 6268 are enrolled in the Russian group. At two institutions conducting training in Azerbaijani and Georgian languages study 108 pupils, out of them 40 pupils are enrolled in the Georgian group.

217. During 2012 beginning of 2013, at 17 schools educating in Russian language 3822 pupils, at 6 schools educating in Georgian language 748 pupils, at 2 schools educating in English 1082 pupils, at 1 institution education in Turkish 1218 pupils study. At 318 schools education both in Azerbaijani and Russian languages 82809 pupils study in the Russian group, at 5 schools educating both in Azerbaijani and Georgian languages 390 pupils study in the Georgian group, at 1 school educating both in Azerbaijani and English languages 295 pupils study. At one school educating in Azerbaijani, Russian and Georgian languages, 105 pupils study in the Russian group and 111 pupils study in the Georgian group. At 2 schools educating in Azerbaijani, Russian and English languages, 385 pupils study in the Russian group, but 85 pupils study in the English group. At 3 schools educating Azerbaijani, Turkish and English languages 365 pupils study in the Turkish group, 320 pupils study in the English group.

218. With regard to the paragraph 16 of the Final review of the Committee requesting the information on the measures taken to educate the public, law enforcement officials, teacher and civil servants, it is to be noted that "National Action Program of the Republic of Azerbaijan on increasing the efficiency in the protection of human rights and freedom" has identified necessary measures for broadening the human rights education both at schools and institutions of higher education, organization of competitions, contests, exhibitions and other events on human rights for schoolchildren and students, follow-up of the preparation, publication and dissemination among the population of text books, manuals, booklets, posters on human rights, improvement of research works on problems related to human rights and main freedoms at the institutions of higher education. The very Program entails and provides measures on prevention of the crimes like genocide, terrorism, corruption, human trafficking which in their turn threaten human rights and main freedoms, follow up of national and international events (round tables, seminars, conferences and etc.)on the subjects of intercultural and inter-religions dialogue as well as the strengthening of religious tolerance, further improvement of legal thinking and legal culture of the population, prohibition of discrimination, enlightening programs on the culture of peace and tolerance and national moral values of the Azerbaijani people, follow up of the activities on protection and development of cultural heritage of ethnic minorities.

219. In line with the Recommendation 13 of 1993 of the Committee on intensification and the process of human rights education and trainings for law-enforcement officers, teachers, social workers and civil servants, subjects on core international documents on promotion and protection of human rights, including conventions of the United Nations and Council of Europe, precedents of the European Court of Human Rights as well as news of national legislation are included to the program of the educational courses at the Academy of Justice organized for judges, nominees for judges, officers of the Ministry for Justice, jurists and other lawyers.

220. Meanwhile, on the very cause the Republic of Azerbaijan continues to take part in different programs and projects of the Council of Europe, including the European Program on Human Rights Education for Legal Professionals (HELP) as well as European Network on exchange of information among the people and organizations responsible for the education of judges and prosecutors (Lisbon Network) and Azerbaijan is represented in the very institutions at the level of deputy minister for Justice.

221. For the implementation of tasks arising from the Orders of the President of the Republic of Azerbaijan on the "Approval of National Action Plan on the protection of human rights in the Republic of Azerbaijan" respectively dated 28 December 2006 (2006-2011) and 27 November 2011 (2012-2015), "Human Rights Protection Commission" had been established at the Ministry for Internal Affairs by the Decree of the Minister dated 5 February 2007, furthermore Special Actions Plans elaborated in this regard respectively on 5 February 2007 and 31 January 2012 were set for the realization. Both Plans envisage the improvement of the normative legal basis in the field of promotion and protection of human rights, cooperation with international organizations on human rights, strengthening of the measures of protection of different groups of population, further improvement of the activities of the police offices for better protection of human rights, education, enlightening as well as conduct of scientific research on human rights and etc.

222. Making use of learning the international practice, expedient and systematic measures are being carried out to increase the professional competence and world-view of the officers of the Ministry for Internal Affairs. The officers are sent to trainings in different countries, including the United States of America and across the Europe, along with the seminars, trainings and courses organized for them in the country with the involvement of skilled international experts. Furthermore, the officers take part in different forums and conferences organized under the auspices of the Council of Europe, OSCE and different international organizations on the subjects concerning their main field of operation. During 2010–2013 (first six months of 2013), more than 2291 officers (1464 officers in Azerbaijan, 827 officers abroad) had participated in seminars, trainings, conferences and other related courses on the subject of promotion and protection of human rights held both in the country and abroad.

223. Special Education Program on the implementation of human rights and main freedoms has been elaborated as a result of joint work carried out within the framework of existing close cooperation with international organizations and currently, classes on the basis of the very Program are being taught not only in the Police Academy, but also for the official preparation of personnel. Besides, "Legal Clinics" established at the department of "The theory of state and law" of the Police Academy provides the professional legal aid and assists to draw the necessary documents for the people who have appealed and who need protection.